

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
				Attorney Docket Number	28079/41333
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1*	US-4,356,270	10-26-1982	Itakura	
	A2*	US-4,448,885	05-15-1984	Schnepf et al.	
	A3*	US-4,771,131	09-13-1988	Herrnstadt et al.	
	A4*	US-4,943,674	07-24-1990	Houck et al.	
	A5*	US-5,082,767	01-21-1992	Hatfield et al.	
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	A9*	US-5,495,071	02-27-1996	Fischhoff et al.	
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	A11*	US-5,500,365	03-19-1996	Fischhoff et al.	
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	A22*	US-6,284,949	09-04-2001	Fischhoff et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
	B1	AU-B-46881/89	06-21-1990	CIBA-GEIGY AG		
	B2	EP-0063949	11-03-1982	The Board of Regents of the University of Washington		
	B3	EP-0108580	05-16-1984	Standard Oil Company		√
	B4	EP-0126546	03-30-1984	Lubrizol Genetics, Inc.		

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	B5	EP-0140556	05-08-1985	Agrigentics Res. Ass.			
	B6	EP-0159884	10-30-1985	Agrigentics Res. Ass.			
	B7	EP-0431829	06-12-1991	Agracetus, Inc.			
	B8	EP-0275957	07-27-1988	Hoescst AG			
	B9	EP-0318143	05-31-1989	Lubrizol Genetics, Inc.			
	B10	EP-0359472	03-21-1990	Mycogen Plant Science, Inc.			
	B11	EP-0612848	08-31-1994	Sandoz Erfindungen Verwaltungsgesellschaft M.B.H.			
	B12	JP-63137684	06-09-1988	Sumitomo Chem. Co. Ltd.			
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	B14	WO-8808880	11-17-1988	Ecogen, Inc.			
	B15	WO-9010076	09-07-1990	Monsanto Company			
	B16	WO-9015139	12-13-1990	Plant Genetics Systems, N.V.			
	B17	WO-9110725	07-25-1991	Biotechnica International, Inc.			√
	B18	WO-9307278	04-15-1993	CIBA-GEIGY AG			√

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Adami et al., "Adenovirus mRNA Processing - In a Regulated Manner a Splice Site Choice Dominates Over Selection of a Poly A Site Located in an Intron," <i>RNA Processing Meeting</i> , pp. 26, May 11-15 (1988).	
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	C3	Adang et al., "Engineering Crop Plants for Insect Resistance," <i>154th National American Assoc. Adv. Sci.</i> , pp.59, Feb. 11-15 (1988).	
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	C5	Adang et al., "The Reconstruction and Expression of a <i>Bacillus Thuringiensis CryIIIA</i> Gene in Protoplasts and Potato Plants," <i>Plant Mol. Biol.</i> , 21:1131-1145 (1993).	
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	C6	Aota et al., Codon Usage Tabulated from the GenBank Genetic Sequence Data," <i>Nucl. Acids Res.</i> , 16(Supp): r315-r402 (1988).	
	C7	Aronson et al., "Bacillus Thuringiensis and Related Insect Pathogens," <i>Microbiol. Rev.</i> , 50(1):1-24 (1986).	
	C8	Audtho et al., "Production of Chymotrypsin-Resistant <i>Bacillus Thuringiensis</i> Cry2Aa1 δ -Endotoxin by Protein Engineering," <i>Appl. Environ. Microbiol.</i> , 65(10):4601-4605 (1999).	
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	C11	Barton et al., "Prospects in Plant Genetic Engineering," <i>Science</i> , 219:671-676 (1983).	
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	C25	Campbell et al., "Codon Usage in Higher Plants, Green Algae, and Cyanobacteria," <i>Plant Physiol.</i> , 92 (1990).	

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Substitute for form 1449/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>		Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>07/827,906-Conf. #3375</td> </tr> <tr> <td>Filing Date</td> <td>January 30, 1992</td> </tr> <tr> <td>First Named Inventor</td> <td>Kenneth A. Barton</td> </tr> <tr> <td>Art Unit</td> <td>1638</td> </tr> <tr> <td>Examiner Name</td> <td>A. R. Kubelik</td> </tr> <tr> <td>Attorney Docket Number</td> <td>28079/41333</td> </tr> </table>		Application Number	07/827,906-Conf. #3375	Filing Date	January 30, 1992	First Named Inventor	Kenneth A. Barton	Art Unit	1638	Examiner Name	A. R. Kubelik	Attorney Docket Number	28079/41333
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	C26	Caplan et al., "Introduction of Genetic Material into Plant Cells," <i>Science</i> , 222:815-821 (1983).	
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	C29	Church et al., "Genomic Sequencing," <i>PNAS USA</i> , 82:1991-1995 (1984).	
	C30	Conway et al., "Identification of Bases and Phosphates of SV40 Late Pre-mRNAs that are Required for 3' End Formation <i>In Vitro</i> ," <i>RNA Processing Meeting</i> , pp.40, May 11-15 (1988).	
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	C35	De Greve et al., "Regeneration of Normal and Fertile Plants that Express Octopine Synthase, from Tobacco Crown Galls after Deletion of Tumour-Controlling Functions," <i>Nature</i> , 300:752-755 (1982).	
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	C46	Fraley et al., "Use of a Chimeric Gene to Confer Antibiotic Resistance to Plant Cells," <i>Molecular Genetics of Plants and Animals, Miami Winter Symposium</i> , 22:211-221 (1983).	
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	C48	Fujimura et al., "Regeneration of Rice Plants from Protoplasts," <i>Plant Tissue Culture Lett.</i> , 2(2):74-75 (1985).	
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	C54	Gil et al., "A Sequence Downstream of AAUAAA is Required for Rabbit β -Globin mRNA 3'-End Formation," <i>C59 Nature</i> , 312:473-474 (1984).	
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	C198	Winnacker et al., "From Genes to Clones," pp.404-411 (1987).	

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	07/827,906-Conf. #3375
		Filing Date	January 30, 1992
		First Named Inventor	Kenneth A. Barton
		Art Unit	1638
		Examiner Name	A. R. Kubelik
		Attorney Docket Number	28079/41333
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	C199	Wong et al., "Cloning and Nucleotide Sequence of the Gene Coding for a 135-KDAL Protein of <i>Bacillus Thuringiensis Aizawai</i> ," <i>XXI Ann. Meeting Soc. Inv. Pathol., USCD</i> , pp.27(13), Aug. 14-18 (1988).	
	C200	Wong et al., "Differential Accumulation of Proteinase Inhibitor I in Normal and Crown Gall Tissues of Tobacco, Tomato, and Potato," <i>Plant Physiol.</i> , 57:214-217 (1976).	
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	C202	Yamada et al., "Plant Regeneration from Protoplast-Derived Callus of Rice (<i>Oryza Sativa</i> L.)," <i>Plant Cell Reports</i> , 5:85-88 (1986).	
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	C206	Syngenta Seeds Inc. v. Monsanto Co., 404 F. Supp.2d 594 (D. Del. 2005)	
	C207	Pazuniak, George; Letter to Gass, D., counsel for Monsanto dated August 14, 2008.	
	C208	Appendix A of Pazuniak's letter to Gass, Opposition decision, EP Patent No. 0 385 962, dated July 25, 2008.	
	C209	Annex I to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 413 019, dated November 16, 2005.	
	C210	Annex II to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 385 962, dated November 7, 2005.	
	C211	Annex III to Appendix A of Pazuniak's letter to Gass, Figures 2A, 3A, 4A, and 12A of European patent EP 0 413 019.	
	C212	Annex IV to Appendix A of Pazuniak's letter to Gass, Auxiliary Request II, EP 0 385 962, dated November 7, 2005.	
	C213	Appendix B of Pazuniak's letter to Gass, Minutes of the oral proceedings before the Opposition Division, EP-B-385962, dated November 16, 2005.	
	C214	Request for Opposition against European Patent EP-B-0 385 962 granted in the name of Monsanto Technology LLC by Aventis CropSciences N.V., July 18, 2001.	

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	C215	Request for Opposition against European Patent EP-B-0 385 962 by Dow Agrosiences LLC, dated April 18, 2002.	
	C216	Request for Opposition against European Patent EP-B-0 385 962 by Syngenta Ltd, dated April 11, 2002.	
	C217	Walker, Declaration of Keith A. Walker 37 C.F.R. § 1.132 filed on June 10, 1991 before the United States Patent and Trademark Office.	

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